

TWENTY-FOURTH DAY, FEBRUARY 1, 2006

2006 REGULAR SESSION

TWENTY-FOURTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, February 1, 2006

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Hargrove.

The Sergeant at Arms Color Guard consisting of Eagle Scouts Nathan Eaker, Chris Naccarato, Tyrone Pula, Sunny Uppal, Samuel Roe and Scott Robinson presented the Colors. High Priest Jim Elandson of the Community of Christ Church offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 31, 2006

SB 5333 Prime Sponsor, Regala: Modifying requirements for voter-approved property tax levies. Revised for 2nd Substitute: Modifying requirements for voter-approved regular property tax levies. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Second Substitute Senate Bill No. 5333 be substituted therefor, and the second substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline, McCaslin and Pridemore

MINORITY recommendation: Do not pass. Signed by Senator Benton

MINORITY recommendation: Without recommendation. Signed by Senators Mulliken and Roach

Passed to Committee on Ways & Means.

January 30, 2006

SB 5943 Prime Sponsor, Kohl-Welles: Concerning medical use of marijuana. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5943 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6106 Prime Sponsor, Brandland: Requiring disclosure of specified health care information for law enforcement purposes. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6106 be substituted therefor, and the substitute bill do

pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6186 Prime Sponsor, Keiser: Providing insurance coverage to dependent children. Revised for 1st Substitute: Making available optional insurance coverage to dependent children. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6186 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Franklin, Kastama, Kline and Poulsen

Passed to Committee on Ways & Means.

January 31, 2006

SB 6200 Prime Sponsor, Rockefeller: Creating a child support performance award. Revised for 1st Substitute: Concerning child support provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6200 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Carrell, McAuliffe, Stevens and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senator Brandland

Passed to Committee on Ways & Means.

January 30, 2006

SB 6221 Prime Sponsor, Franklin: Revising limitations on use of public funds for political purposes. Revised for 1st Substitute: Concerning use of public funds to finance campaigns for local office. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6221 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Fairley, Haugen, Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton and Mulliken

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6242 Prime Sponsor, Kastama: Ensuring equipment accessibility for voters with visual impairments and requiring certification of voting equipment. Revised for 1st Substitute: Ensuring equipment accessibility for voters with visual impairments. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6242 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Haugen, Kline, McCaslin and Pridemore

Passed to Committee on Rules for second reading.

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SB 6243 Prime Sponsor, Kastama: Clarifying laws on ballot measures. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6243 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6278 Prime Sponsor, Deccio: Licensing specialty hospitals. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6278 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6305 Prime Sponsor, Keiser: Including financial literacy in work activity provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6305 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Carrell, McAuliffe, Stevens and Thibaudeau

MINORITY recommendation: Without recommendation. Signed by Senator Brandland

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6323 Prime Sponsor, Regala: Limiting exceptions to the reporting requirements under chapter 42.17 RCW. Revised for 1st Substitute: Concerning campaign finance disclosure. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6323 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Haugen, Kline, McCaslin and Pridemore

MINORITY recommendation: Without recommendation. Signed by Senators Benton, Mulliken and Roach

Passed to Committee on Rules for second reading.

January 31, 2006

SB 6336 Prime Sponsor, Haugen: Revising the definition of income for public assistance to exclude housing assistance or housing vouchers for military personnel or veterans. Revised for 1st Substitute: Requesting a federal exemption regarding the definition of income for public

assistance. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6336 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe, Stevens and Thibaudeau

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6362 Prime Sponsor, Kohl-Welles: Modifying voter registration provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6362 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6363 Prime Sponsor, Keiser: Developing worksite health promotion programs. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6363 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

MINORITY recommendation: Without recommendation. Signed by Senator Brandland

Passed to Committee on Ways & Means.

January 30, 2006

SB 6391 Prime Sponsor, Keiser: Concerning the provision of services to independent residents in a continuing care retirement community. Revised for 1st Substitute: Concerning the provision of services for nonresident individuals residing in long-term care settings. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6391 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6418 Prime Sponsor, Keiser: Adding requirements to renew initial limited licenses for dental hygienists. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Rules for second reading.

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SB 6424 Prime Sponsor, Schoesler: Providing a property tax exemption for land used for growing crops used in the production of biodiesel feedstock. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6424 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Ways & Means.

January 30, 2006
SB 6459 Prime Sponsor, Keiser: Supporting community-based health care solutions. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6459 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Ways & Means.

January 31, 2006
SB 6488 Prime Sponsor, Franklin: Creating a program for offender education. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6488 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens and Thibaudeau

MINORITY recommendation: Do not pass. Signed by Senator Brandland

MINORITY recommendation: Without recommendation. Signed by Senator Carrell

Passed to Committee on Ways & Means.

January 31, 2006
SB 6510 Prime Sponsor, Pridemore: Modifying county lien authority. Revised for 1st Substitute: Concerning county lien authority. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6510 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Fairley, Haugen, Kline, McCaslin, Mulliken, Pridemore and Roach

Passed to Committee on Rules for second reading.

January 31, 2006
SB 6570 Prime Sponsor, Fairley: Requiring lenders to consider retail installment contracts for the purchase of motor vehicles. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6570 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice

Chair; Benson, Benton, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

January 31, 2006
SB 6571 Prime Sponsor, Berkey: Refining the definition of "bushing." Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: That Substitute Senate Bill No. 6571 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Brandland, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

Passed to Committee on Rules for second reading.

January 31, 2006
SB 6588 Prime Sponsor, Eide: Providing tax incentives for certain multiple-unit dwellings in urban centers. Reported by Committee on Financial Institutions, Housing & Consumer Protection

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Berkey, Vice Chair; Benson, Benton, Finkbeiner, Franklin, Keiser, Schmidt and Spanel

MINORITY recommendation: Without recommendation. Signed by Senator Brandland

Passed to Committee on Ways & Means.

January 30, 2006
SB 6605 Prime Sponsor, Fraser: Regarding educational interpreters for hearing-impaired students. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6605 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Ways & Means.

January 30, 2006
SB 6606 Prime Sponsor, Fraser: Requiring standards for educational interpreters for students who are deaf or hard of hearing. Reported by Committee on Early Learning, K-12 & Higher Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Berkey, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

MINORITY recommendation: Without recommendation. Signed by Senators Benton and Carrell

Passed to Committee on Rules for second reading.

January 30, 2006
SB 6618 Prime Sponsor, McAuliffe: Revising the high school assessment system. Revised for 1st Substitute: Requiring a study to explore options to augment the current educational

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assessment system. Reported by Committee on Early Learning, K-12 & Higher Education

January 31, 2006

MAJORITY recommendation: That Substitute Senate Bill No. 6618 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schmidt, Schoesler and Shin

Passed to Committee on Ways & Means.

January 30, 2006

SB 6630 Prime Sponsor, Kline: Protecting communities from individuals with behaviors that pose a threat of violence or sexual violence. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6630 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Benson, Brandland, Deccio, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen

Passed to Committee on Ways & Means.

January 31, 2006

SB 6855 Prime Sponsor, Schoesler: Authorizing the application of barley straw to waters of the state. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6855 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Delvin, Jacobsen, Morton, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

January 30, 2006

SB 6870 Prime Sponsor, Haugen: Funding the board of pilotage commissioners' training program. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6870 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Benson, Benton, Berkey, Eide, Esser, Finkbeiner, Mulliken, Oke, Sheldon, Spanel and Weinstein

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 6606 which was referred to the Committee on Rules, Senate Bill No. 5333 and Senate Bill No. 6488 which were referred to the Committee on Ways & Means.

MOTION

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

MESSAGES FROM THE STATE OFFICES

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is the Office of Financial Management "Post Audit of the Books, Accounts Audit Report. This report is mandated under RCW 43.09.340.

If you have any questions about the report, please call 360-664-7675.

Sincerely,

Victor A. Moore, Director

The Office of Financial Management "Post Audit of the Books, Accounts Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 27, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is The Evergreen State College Audit Report. This report is mandated under RCW 43.09.310.

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

Sincerely,

Brian Sonntag, State Auditor

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

MESSAGES FROM THE STATE OFFICES

January 27, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is State Investment Board Audit Report. This report is mandated under RCW 43.09.310.

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

Sincerely,

Brian Sonntag, State Auditor

The State Investment Board Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

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January 27, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Washington State University Audit Report. This report is mandated under RCW 43.09.310.

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

Sincerely,

Brian Sonntag, State Auditor
The Washington State University Audit Report is on file in the Office of the Secretary of the Senate.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6881 by Senators Kline and Rasmussen

AN ACT Relating to limitation of actions involving injuries caused by acts that would constitute sex offenses; and amending RCW 4.16.080.

Referred to Committee on Judiciary.

SB 6882 by Senators Eide, Franklin, Rasmussen and McAuliffe

AN ACT Relating to protecting persons with developmental disabilities from perpetrators who commit their crimes while providing transportation, within the course of their employment, to persons with developmental disabilities; amending RCW 9A.44.050 and 9A.44.100; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

SB 6883 by Senators Deccio and Berkey

AN ACT Relating to allowing a waiver to smoking prohibitions for businesses suffering a loss of gross revenue; amending RCW 70.160.030; and adding a new section to chapter 70.160 RCW.

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

SB 6884 by Senators Fairley and Rasmussen

AN ACT Relating to the care and education of children in licensed staffed residential homes; amending RCW 74.15.030; reenacting and amending RCW 74.15.020; adding a new section to chapter 74.15 RCW; adding a new section to chapter 28A.155 RCW; and creating new sections.

Referred to Committee on Ways & Means.

E2SHB 2393 by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Jarrett, Ormsby, Cox, Ericks, Newhouse, Kilmer, Chase, McCoy, Morrell, Moeller, Conway, P. Sullivan, Walsh, Springer, Buri, Haler, Wallace, Grant, Dickerson, Morris, B. Sullivan, Simpson, Uptegrove, Sells and Green)

AN ACT Relating to funding for energy freedom projects; adding a new section to chapter 43.63A RCW; adding a new section to 2005 c 488 (uncodified); creating a new section; and declaring an emergency.

Referred to Committee on Water, Energy & Environment.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6884 which was referred to the Committee on Ways & Means.

REMARKS BY THE PRESIDENT

President Owen: "Ladies and Gentlemen, we have the great privilege this morning of receiving the Boy Scouts of America Report to the State for 2006. We are having attendance a number of very distinguished Eagle Scouts that have done such a wonderful job in scouting over the last several years to reach that incredible accomplishment. One of the finest of the finest is Lucas Green, Eagle Scout Lucas Green, who's with us today who will now present the Boy Scouts of America Report to the State for 2006."

REMARKS BY LUCAS GREEN

Eagle Scout Green: "The mission of the Boy Scouts of America is to prepare young people to make ethical and moral choices over their life times. Through the efforts of over twenty-eight thousand dedicated volunteers, more than ninety-eight thousand youths in Washington State participated in scouting programs during 2005. There are many programs that the Boy Scouts of America offer some of which include: Cub Scouting, which for boys first through fifth grades, served thirty-three thousand, eight hundred seventy four, forty-seven percent participated in a camping program; Boy Scouting, for eleven to seventeen year olds, reached twenty-three thousand, sixty hundred eight boys. Fifty-five percent participated in outdoor camping adventure and one-thousand two-hundred twenty young men earned the Eagle Scout Award, the highest rank a scout can achieve; Venturing, our co-ed high adventure program for kids ages fourteen to twenty, served eight-thousand sixty-five; Learning for Life, also co-ed, is a class room and work-based character educational program which served thirty-two thousand, five hundred five; Scout Reach is an outreach initiative focusing on developing programs in inner-city and in lower income communities; Soccer and Scouting in the Hispanic community and children of incarcerated parents are two of the more significant programs offered in Washington State. Together, our programs reached sixteen percent of the market share, making it one of the largest youth serving programs in the state. The Boy Scouts of America was founded on the premise that to be a good citizen you must serve others. That belief led to the creation of Good Turn for America, a national service initiative that addresses the issues of hunger, homelessness and poor health. It is a collaborative effort with Habitat for Humanity, the American Red Cross and the Salvation Army. In 2005, Washington's Scouts and volunteers donated more than thirty-six thousand, six hundred thirty-nine hours of community hours to our state. That is volunteer time that is valued at six-hundred forty three thousand dollars. According to research conducted by Harris Interactive released in May of 2005, one

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out of every two American males has had an affiliation with the scouting program. Their combined contributions touch our lives every day by continuing to recruit quality leadership inviting youth from all backgrounds to join and offering a fun and exciting program we seek to help ordinary young people become extraordinary adults. Thank you.”

PERSONAL PRIVILEGE

Senator McCaslin: “I would like to rise and let the body know that from Green Acres, Washington, which is in my district, two young men came over Eagle Scouts, Christopher Naccarato and Daniel Reid from Green Acres. I just wanted to acknowledge what they’ve done and congratulate them on achieving Eagle Scouts. Thank you Mr. President.”

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Megan Warner, the Washington State Dairy Ambassador, who was seated at the rostrum. Accompanied Ms. Warner Alternate Dairy Ambassador Rikki Carter of Moses Lake and Caitlin Gordon of Elma

With permission of the Senate, business was suspended to allow Dairy Ambassador Megan to address the Senate.

REMARKS BY DAIRY AMBASSADOR WARNER

Ms. Warner: “Lt. Governor Owen, members of the Senate and guests. How many of you consider food quality a top priority for your family? I’m happy to tell you the dairy farmers of Washington are committed to producing the highest quality milk for consumers. Dairy products are among the heavily tested and closely regulated foods, consequently one of the safest. All milk produced legally in Washington has a same high nutritional content and complies with the same stringent food safety standards set forth by Federal and State regulations. One of the most common misconceptions of dairy products concerns the use of antibiotics. Just as humans may need medication when they are sick, sick cows may also need attention. While a cow is under treatment her milk is destroyed, it never reaches consumers. Following veterinarian protocols she’s only allowed back into the milking streams once certified clean. Every drop of milk is repeatedly tested to ensure that it meets the highest standards for purity. Any milk that doesn’t is also destroyed. This guarantees quality control in producing dairy products. On behalf of dairy farm families I want to thank you for the efforts legislature has made to help us to continue to produce top quality milk. Together we can maintain a viable dairy industry in Washington and ensure that our citizens continue to enjoy the nutritional benefit of three servings of dairy every day. Thank you.”

PERSONAL PRIVILEGE

Senator Delvin: “Thank you Mr. President. I’d like to make a recommendation as a lover of milk and ice cream but since I found out that I was diabetic I can’t, I had to give up the ice cream. My wife does allow me to have no sugar added low fat ice cream once in awhile. If they could provide that in the rotunda for us diabetics I’d much appreciate it.”

MOTION

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

MOTION

Senator Esser moved adoption of the following resolution:

SENATE RESOLUTION

8701

By Senators Esser, Eide, Kohl-Welles, Hewitt, Sheldon, Shin, Finkbeiner and Schmidt

WHEREAS, The Northwest Electronic Manufacturers Association, founded in 1956 by John Fluke Sr., joined together with David Packard’s West Coast Manufacturing Association in 1959 to form the American Electronics Association; and

WHEREAS, The AeA Washington Council currently represents over 175 companies in Washington which employ more than 150,000 individuals, making the Washington Council the 3rd largest and one of the most active AeA councils in the United States; and

WHEREAS, AeA works diligently to ensure our citizens’ economic future by providing access to investors who help entrepreneurs develop their ideas and support the growth of companies; and

WHEREAS, Recognizing the important nature of health care services for individuals, AeA provides access to health insurance programs for businesses; and

WHEREAS, The Washington Council of AeA provides ongoing business education and professional development opportunities to assist technology company leaders and employees; and

WHEREAS, Recognizing that the economy of our state and nation is undeniably intertwined with countries around the world, AeA makes information and access to international governments available to companies and helps them gain entry into markets; and

WHEREAS, Believing education is a vital key to quality of life and a growing economy, AeA supports excellence in education through mentoring, funding, and support of programs such as the Washington State Coalition of Engineering Education, the Leadership Assistance in Science Education Reform, and the Math, Engineering, and Science Achievement program; and

WHEREAS, Understanding the importance of active participation in the public policy process for the good of all citizens, AeA facilitates individual and collective action to inform of government decisions; and

WHEREAS, AeA contributes to assist the prosperity and success of companies and individuals in the high-technology business sector, and in turn supports the economy of Washington State and our country;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate encourage all citizens to join in recognizing the Washington Council of AeA for 50 years of outstanding service to the high-technology industry and look forward to what its continued success will mean to our state in the next 50 years.

Senators Esser, Eide and Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8701.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the America Electronics Association under the leadership of Terry Byington and John Flug, Jr. who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Dairy Ambassador Program who were seated in the gallery.

MOTION

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4415, by Representatives Kessler, Armstrong and Dunn

Approving the names of certain state facilities.

The measure was read the second time.

MOTION

On motion of Senator Eide, House Concurrent Resolution No. 4415 was placed on the third reading calendar.

Senator Fraser spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4415.

HOUSE CONCURRENT RESOLUTION NO. 4415 was adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4417, by Representatives Kessler, Armstrong, Morrell, Springer, Pearson, Sells, Green, Kilmer, Kristiansen, Erickson and Hankins

Honoring the recipients of the State Medal of Valor in Joint Session.

The measure was read the second time.

MOTION

On motion of Senator Eide, House Concurrent Resolution No. 4417 was placed on the third reading calendar.

Senator Eide spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4417.

HOUSE CONCURRENT RESOLUTION NO. 4417 was adopted by voice vote.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2419, by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Haigh, Nixon, Clibborn and McDermott)

Raising funds for hosting a national conference of statewide elected officials. Revised for 1st Substitute: Raising funds for hosting the national conference of lieutenant governors.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 2419 was advanced to third reading, the second reading considered the third and the bill was passed on final passage.

Senators Kastama and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2419.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2419 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Absent: Senator Hargrove - 1

SUBSTITUTE HOUSE BILL NO. 2419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Esser: "Thank you Mr. President. I know that we're dealing with some important legislation today but looking at the very fetching cap worn by the President Pro Tempore and that fine cap that you have sitting up next to you on the rostrum, Mr. President, it reminded me that we even more important business coming up and I want to encourage the body, and I know I've discussed this matter with you, to recognize this up coming Friday on the floor as Sea hawks Cap Day and encourage all of the members to a cap bearing our beloved Sea hawks a couple days in advance of their impending Super Bowl victory. I think it will be a wonderful way for us to send them off and show our pride in them and all their accomplishments so I couldn't let the time go by. Thanks to the inspiration from the President Pro Tempore for her very lovely cap as well. Thank you Mr. President."

REPLY BY THE PRESIDENT

President Owen: "Fine recommendation, fine recommendation. The Texas Aggies have not claimed the cap as something that they own either. Ok, alright, we're good."

SECOND READING

SENATE BILL NO. 6236, by Senators Schmidt, Kastama, Swecker, Oke, Berkey and Benson

Changing election dates and deadlines.

The measure was read the second time.

MOTION

Senator Kastama moved that the following striking amendment by Senator Kastama be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1 RCW 29A.04.311 and 2004 c 271 s 105 are each amended to read as follows: Nominating primaries for general elections to be held in November, and the election of precinct committee officers, must be held on the third Tuesday of the preceding ((September or on the seventh Tuesday immediately preceding such general election, whichever occurs first)) August.

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Sec. 2 RCW 29A.04.321 and 2004 c 271 s 106 are each amended to read as follows: (1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, and district officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A statewide general election shall be held on the first Tuesday after the first Monday of November of each year. However, the statewide general election held in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29A.04.330, or as otherwise provided by law; (b) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the Congress of the United States; (c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (d) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (e) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate. (2) A county legislative authority may ~~((if it deems an emergency to exist,))~~ call a special county election by presenting a resolution to the county auditor ~~((at least forty-five days))~~ prior to the proposed election date. Except as provided in subsection (4) of this section, a special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body: (a) The first Tuesday after the first Monday in February; (b) The second Tuesday in March; (c) The fourth Tuesday in April; (d) The third Tuesday in May; (e) The day of the primary as specified by RCW 29A.04.311; or (f) The first Tuesday after the first Monday in November. (3) A resolution calling for a special election on a date set forth in subsection (2)(a) through (d) of this section must be presented to the county auditor at least fifty-two days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)(e) or (f) of this section must be presented to the county auditor at least eighty-four days prior to the election date. (4) In addition to the dates set forth in subsection (2)(a) through (f) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law. ~~((4))~~ (5) In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called by the county legislative authority under subsection (2) of this section during the month of that primary is the date of the presidential primary. ~~((5))~~ (6) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer.

Sec. 3 RCW 29A.04.330 and 2004 c 266 s 6 are each amended to read as follows: (1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years. This section shall not apply to: (a) Elections for the recall of any elective public

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officer; (b) Public utility districts, conservation districts, or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto; (c) Consolidation proposals as provided for in RCW 28A.315.235 and nonhigh capital fund aid proposals as provided for in chapter 28A.540 RCW. (2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to the auditor ~~((at least forty-five days))~~ prior to the proposed election date, may ~~((if the county auditor deems an emergency to exist,))~~ call a special election in such city, town, or district, and for the purpose of such special election he or she may combine, unite, or divide precincts. Except as provided in subsection (3) of this section, such a special election shall be held on one of the following dates as decided by the governing body: (a) The first Tuesday after the first Monday in February; (b) The second Tuesday in March; (c) The fourth Tuesday in April; (d) The third Tuesday in May; (e) The day of the primary election as specified by RCW ~~((29A.04.310))~~ 29A.04.311; or (f) The first Tuesday after the first Monday in November. (3) A resolution calling for a special election on a date set forth in subsection (2)(a) through (d) of this section must be presented to the county auditor at least fifty-two days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)(e) or (f) of this section must be presented to the county auditor at least eighty-four days prior to the election date. (4) In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called under subsection (2) of this section during the month of that primary is the date of the presidential primary. ~~((4))~~ (5) In addition to subsection (2)(a) through (f) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in subsection (2)(e) and (f) of this section. Such special election shall be conducted and notice thereof given in the manner provided by law. ~~((5))~~ (6) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

Sec. 4 RCW 29A.20.121 and 2004 c 271 s 110 are each amended to read as follows: (1) Any nomination of a candidate for partisan public office by other than a major political party may be made only: (a) In a convention held not earlier than the ~~((last Saturday in June))~~ first Saturday in May and not later than the ~~((first))~~ second Saturday in ~~((July))~~ May or during any of the seven days immediately preceding the first day for filing declarations of candidacy as fixed in accordance with RCW 29A.28.041; (b) as provided by RCW 29A.60.021; or (c) as otherwise provided in this section. Minor political party and independent candidates may appear only on the general election ballot. (2) Nominations of candidates for president and vice president of the United States other than by a major political party may be made either at a convention conducted under subsection (1) of this section, or at a similar convention taking place not earlier than the first ~~((Sunday in July))~~ Saturday in June and not later than ~~((seventy days before))~~ the ~~((general election))~~ fourth Saturday in July. Conventions held during this time period may not nominate candidates for any public office other than president and vice president of the United States, except as provided in subsection (3) of this section. (3) If a special filing period for a partisan office is opened under RCW 29A.24.211, candidates of minor political parties and independent candidates may file for office during that special filing period. The names of those candidates may not appear on

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the general election ballot unless they are nominated by convention held no later than five days after the close of the special filing period and a certificate of nomination is filed with the filing officer no later than three days after the convention. The requirements of RCW 29A.20.131 do not apply to such a convention. (4) A minor political party may hold more than one convention but in no case shall any such party nominate more than one candidate for any one partisan public office or position. For the purpose of nominating candidates for the offices of president and vice president, United States senator, United States representative, or a statewide office, a minor party or independent candidate holding multiple conventions may add together the number of signatures of different individuals from each convention obtained in support of the candidate or candidates in order to obtain the number required by RCW 29A.20.141. For all other offices for which nominations are made, signatures of the requisite number of registered voters must be obtained at a single convention.

Sec. 5 RCW 29A.24.040 and 2003 c 111 s 604 are each amended to read as follows: A candidate may file his or her declaration of candidacy for an office by electronic means on a system specifically designed and authorized by a filing officer to accept filings. (1) Filings that are received electronically must capture all information specified in RCW ~~((29A.24.030))~~ 29A.24.031 (1) through (4). (2) Electronic filing may begin at 9:00 a.m. the ~~((fourth))~~ first Monday in ~~((July))~~ June and continue through 4:00 p.m. the following Friday. (3) In case of special filing periods established in this chapter, electronic filings may be accepted beginning at 9:00 a.m. on the first day of the special filing period through 4:00 p.m. the last day of the special filing period.

Sec. 6 RCW 29A.24.050 and 2003 c 111 s 605 are each amended to read as follows:

Except where otherwise provided by this title, declarations of candidacy for the following offices shall be filed during regular business hours with the filing officer no earlier than the ~~((fourth))~~ first Monday in ~~((July))~~ June and no later than the following Friday in the year in which the office is scheduled to be voted upon: (1) Offices that are scheduled to be voted upon for full terms or both full terms and short terms at, or in conjunction with, a state general election; and (2) Offices where a vacancy, other than a short term, exists that has not been filled by election and for which an election to fill the vacancy is required in conjunction with the next state general election. This section supersedes all other statutes that provide for a different filing period for these offices.

Sec. 7 RCW 29A.24.171 and 2004 c 271 s 165 are each amended to read as follows: Filings for a nonpartisan office shall be reopened for a period of three normal business days, such three-day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law whenever before the ~~((sixth))~~ eleventh Tuesday prior to a primary: (1) A void in candidacy occurs; (2) A vacancy occurs in any nonpartisan office leaving an unexpired term to be filled by an election for which filings have not been held; or (3) A nominee for judge of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified. Candidacies validly filed within said three-day period shall appear on the ballot as if made during the earlier filing period.

Sec. 8 RCW 29A.24.181 and 2004 c 271 s 166 are each amended to read as follows: Filings for a nonpartisan office (other than judge of the supreme court or superintendent of public instruction) shall be reopened for a period of three normal business days, such three-day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law, when: (1) A void in candidacy for

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such nonpartisan office occurs on or after the ~~((sixth))~~ eleventh Tuesday prior to a primary but prior to the ~~((sixth))~~ eleventh Tuesday before an election; or (2) A nominee for judge of the superior court eligible after a contested primary for a certificate of election by Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified within the ten-day period immediately following the last day allotted for a candidate to withdraw; or (3) A vacancy occurs in any nonpartisan office on or after the ~~((sixth))~~ eleventh Tuesday prior to a primary but prior to the ~~((sixth))~~ eleventh Tuesday before an election leaving an unexpired term to be filled by an election for which filings have not been held. The candidate receiving a plurality of the votes cast for that office in the general election shall be deemed elected.

Sec. 9 RCW 29A.24.191 and 2004 c 271 s 167 are each amended to read as follows:

A scheduled election shall be lapsed, the office deemed stricken from the ballot, no purported write-in votes counted, and no candidate certified as elected, when: (1) In an election for judge of the supreme court or superintendent of public instruction, a void in candidacy occurs on or after the ~~((sixth))~~ eleventh Tuesday prior to a primary, public filings and the primary being an indispensable phase of the election process for such offices; (2) Except as otherwise specified in RCW 29A.24.181, a nominee for judge of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution dies or is disqualified on or after the ~~((sixth))~~ eleventh Tuesday prior to a primary; (3) In other elections for nonpartisan office a void in candidacy occurs or a vacancy occurs involving an unexpired term to be filled on or after the ~~((sixth))~~ eleventh Tuesday prior to an election.

Sec. 10 RCW 29A.24.211 and 2004 c 271 s 116 are each amended to read as follows: Filings for a partisan elective office shall be opened for a period of three normal business days whenever, on or after the first day of the regular filing period and before the ~~((sixth))~~ eleventh Tuesday prior to a primary, a vacancy occurs in that office, leaving an unexpired term to be filled by an election for which filings have not been held. Any such special three-day filing period shall be fixed by the election officer with whom declarations of candidacy for that office are filed. The election officer shall give notice of the special three-day filing period by notifying the press, radio, and television in the county or counties involved, and by such other means as may be required by law. Candidacies validly filed within the special three-day filing period shall appear on the ballot as if filed during the regular filing period.

Sec. 11 RCW 29A.28.021 and 2004 c 271 s 192 are each amended to read as follows:

A vacancy caused by the death or disqualification of any candidate or nominee of a major or minor political party may be filled at any time up to and including the day prior to the election for that position. For state partisan offices in any political subdivision voted on solely by electors of a single county, an individual shall be appointed to fill such vacancy by the county central committee in the case of a major political party or by the state central committee or comparable governing body in the case of a minor political party. For other partisan offices, including federal or statewide offices, an individual shall be appointed to fill such vacancy by the state central committee or comparable governing body of the appropriate political party. If the vacancy occurs no later than the ~~((sixth))~~ eleventh Tuesday prior to the state primary or general election concerned and the ballots have been printed, it shall be mandatory that they be corrected by the appropriate election officers. In making such correction, it shall not be necessary to reprint complete ballots if any other less expensive technique can be used and the resulting correction is reasonably clear. If the vacancy occurs after the ~~((sixth))~~ eleventh Tuesday prior to the state primary or general election and time does not exist in which to correct ballots (including absentee ballots), either in total or in part, then the votes cast or recorded for the person

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who has died or become disqualified shall be counted for the person who has been named to fill such vacancy.

When the secretary of state is the person with whom the appointment by the major or minor political party is filed, the secretary shall, in certifying candidates or nominations to the various county officers insert the name of the person appointed to fill a vacancy. If the secretary of state has already sent forth the certificate when the appointment to fill a vacancy is filed, the secretary shall forthwith certify to the county auditors of the proper counties the name and place of residence of the person appointed to fill a vacancy, the office for which the person is a candidate or nominee, the party the person represents, and all other pertinent facts pertaining to the vacancy.

Sec. 12 RCW 29A.28.041 and 2004 c 271 s 118 are each amended to read as follows: (1) Whenever a vacancy occurs in the United States house of representatives or the United States senate from this state, the governor shall order a special election to fill the vacancy. Minor political party candidates and independent candidates may be nominated through the convention procedures provided in chapter 29A.20 RCW. (2) Within ten days of such vacancy occurring, he or she shall issue a writ of election fixing a date for the special vacancy election not less than ninety days after the issuance of the writ, fixing a date for the primary for nominating major political party candidates for the special vacancy election not less than thirty days before the day fixed for holding the special vacancy election, fixing the dates for the special filing period, and designating the term or part of the term for which the vacancy exists. If the vacancy is in the office of United States representative, the writ of election shall specify the congressional district that is vacant. (3) If the vacancy occurs less than six months before a state general election and before the second Friday following the close of the filing period for that general election, the special primary, special vacancy election, and minor party and independent candidate nominating conventions must be held in concert with the state primary and state general election in that year. (4) If the vacancy occurs on or after the first day for filing under RCW 29A.24.050 and on or before the second Friday following the close of the filing period, a special filing period of three normal business days shall be fixed by the governor and notice thereof given to all media, including press, radio, and television within the area in which the vacancy election is to be held, to the end that, insofar as possible, all interested persons will be aware of such filing period. The last day of the filing period shall not be later than the ~~((third))~~sixth Tuesday before the primary at which major political party candidates are to be nominated. The names of major political party candidates who have filed valid declarations of candidacy during this three-day period shall appear on the approaching primary ballot. The requirements of RCW 29A.20.131 do not apply to a minor political party or independent candidate convention held under this subsection. (5) If the vacancy occurs later than the second Friday following the close of the filing period, a special primary, special vacancy election, and the minor party and independent candidate conventions to fill the position shall be held after the next state general election but, in any event, no later than the ninetieth day following the November election.

Sec. 13 RCW 29A.40.070 and 2004 c 266 s 13 are each amended to read as follows: (1) Except where a recount or litigation under RCW ~~((29A.68.010))~~29A.68.011 is pending, the county auditor shall have sufficient absentee ballots available for absentee voters of that county, other than overseas voters and service voters, at least twenty days before any primary, general election, or special election. The county auditor must mail absentee ballots to each voter for whom the county auditor has received a request nineteen days before the primary or election at least eighteen days before the primary or election. For a request for an absentee ballot received after the nineteenth day before the primary or election, the county auditor shall make every effort to mail ballots within one business day,

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and shall mail the ballots within two business days.

(2) ~~((The county auditor shall make every effort to mail ballots to overseas and service voters earlier than eighteen days before a primary or election))~~ At least thirty days before any primary, general election, or special election, the county auditor shall mail ballots to all overseas and service voters. A request for a ballot made by an overseas or service voter after that day must be processed immediately. (3) Each county auditor shall certify to the office of the secretary of state the dates the ballots prescribed in subsection (1) of this section were available and mailed. (4) If absentee ballots will not be available or mailed as prescribed in subsection (1) of this section, the county auditor shall immediately certify to the office of the secretary of state when absentee ballots will be available and mailed. Copies of this certification must be provided to the county canvassing board, the press, jurisdictions with issues on the ballot in the election, and any candidates. (5) If absentee ballots were not available or mailed as prescribed in subsection (1) of this section, for a reason other than a recount or litigation, the county auditor, in consultation with the certification and training program of the office of the secretary of state, shall submit a report to the office of the secretary of state outlining why the deadline was missed and what corrective actions will be taken in future elections to ensure that absentee ballots are available and mailed as prescribed in subsection (1) of this section. (6) Failure to have absentee ballots available and mailed as prescribed in subsection (1) of this section does not by itself provide a basis for an election contest or other legal challenge to the results of a primary, general election, or special election.

Sec. 14 RCW 29A.52.011 and 2004 c 271 s 172 are each amended to read as follows: Whenever it shall be necessary to hold a special election in an odd-numbered year to fill an unexpired term of any office which is scheduled to be voted upon for a full term in an even-numbered year, no ~~((September))~~ primary election shall be held in the odd-numbered year if, after the last day allowed for candidates to withdraw, either of the following circumstances exist: (1) No more than one candidate of each qualified political party has filed a declaration of candidacy for the same partisan office to be filled; or (2) No more than two candidates have filed a declaration of candidacy for a single nonpartisan office to be filled. In either event, the officer with whom the declarations of candidacy were filed shall immediately notify all candidates concerned and the names of the candidates that would have been printed upon the ~~((September))~~ primary ballot, but for the provisions of this section, shall be printed as nominees for the positions sought upon the November general election ballot.

Sec. 15 RCW 29A.56.030 and 2003 c 111 s 1403 are each amended to read as follows: The name of any candidate for a major political party nomination for president of the United States shall be printed on the presidential preference primary ballot of a major political party only: (1) By direction of the secretary of state, who in the secretary's sole discretion has determined that the candidate's candidacy is generally advocated or is recognized in national news media; or (2) If members of the political party of the candidate have presented a petition for nomination of the candidate that has attached to the petition a sheet or sheets containing the signatures of at least one thousand registered voters who declare themselves in the petition as being affiliated with the same political party as the presidential candidate. The petition shall be filed with the secretary of state not later than ~~((the thirty-ninth day))~~ sixty days before the presidential preference primary. The signature sheets shall also contain the residence address and name or number of the precinct of each registered voter whose signature appears thereon and shall be certified in the manner prescribed in RCW 29A.72.230 and 29A.72.240. The secretary of state shall place the name of the candidate on the ballot unless the candidate, at least ~~((thirty-five))~~ fifty-two days before the presidential preference primary, executes and files with the secretary of state an affidavit stating without qualification that he or she is not

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now and will not become a candidate for the office of president of the United States at the forthcoming presidential election. The secretary of state shall certify the names of all candidates who will appear on the presidential preference primary ballot to the respective county auditors on or before the fourth Tuesday in April of each presidential election year.

Sec. 16 RCW 29A.60.190 and 2005 c 243 s 16 and 2005 c 153 s 12 are each reenacted and amended to read as follows: (1) Except as provided by subsection (3) of this section, ~~((ten))~~ fifteen days after a primary or special election and twenty-one days after a general election, the county canvassing board shall complete the canvass and certify the results. Each absentee ballot that was returned before the closing of the polls ~~((on the date of the primary or election for which it was issued))~~, and each absentee ballot ~~((with))~~ bearing a postmark on or before the date of the primary or election ~~((for which it was issued))~~ and received on or before the date on which the primary or election is certified, must be included in the canvass report. (2) At the request of a caucus of the state legislature, the county auditor shall transmit copies of all unofficial returns of state and legislative primaries or elections prepared by or for the county canvassing board to either the secretary of the senate or the chief clerk of the house of representatives. (3) On or before the thirtieth day after an election conducted under the instant runoff voting method for the pilot project authorized by RCW 29A.53.020, the canvassing board shall complete the canvass and certify the results.

Sec. 17 RCW 29A.60.190 and 2005 c 243 s 16 are each amended to read as follows: (1) ~~((Ten))~~ Fifteen days after a primary or special election and twenty-one days after a general election, the county canvassing board shall complete the canvass and certify the results. Each absentee ballot that was returned before the closing of the polls ~~((on the date of the primary or election for which it was issued))~~, and each absentee ballot ~~((with))~~ bearing a postmark on or before the date of the primary or election ~~((for which it was issued))~~ and received on or before the date on which the primary or election is certified, must be included in the canvass report. (2) At the request of a caucus of the state legislature, the county auditor shall transmit copies of all unofficial returns of state and legislative primaries or elections prepared by or for the county canvassing board to either the secretary of the senate or the chief clerk of the house of representatives.

Sec. 18 RCW 27.12.355 and 1987 c 138 s 1 are each amended to read as follows: (1) As provided in this section, a rural county library district, island library district, or intercounty rural library district may withdraw areas from its boundaries, or reannex areas into the library district that previously had been withdrawn from the library district under this section. (2) The withdrawal of an area shall be authorized upon: (a) Adoption of a resolution by the board of trustees requesting the withdrawal and finding that, in the opinion of the board, inclusion of this area within the library district will result in a reduction of the district's tax levy rate under the provisions of RCW 84.52.010; and (b) adoption of a resolution by the city or town council approving the withdrawal, if the area is located within the city or town, or adoption of a resolution by the county legislative authority of the county within which the area is located approving the withdrawal, if the area is located outside of a city or town. A withdrawal shall be effective at the end of the day on the thirty-first day of December in the year in which the resolutions are adopted, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution. The authority of an area to be withdrawn from a library district as provided under this section is in addition, and not subject, to the provisions of RCW 27.12.380. The withdrawal of an area from the boundaries of a library district shall not exempt any property therein from taxation for the purpose of paying the costs of redeeming any indebtedness of the library district existing at the time of the withdrawal. (3) An

area that has been withdrawn from the boundaries of a library district under this section may be reannexed into the library district upon: (a) Adoption of a resolution by the board of trustees proposing the reannexation; and (b) adoption of a resolution by the city or town council approving the reannexation, if the area is located within the city or town, or adoption of a resolution by the county legislative authority of the county within which the area is located approving the reannexation, if the area is located outside of a city or town. The reannexation shall be effective at the end of the day on the thirty-first day of December in the year in which the adoption of the second resolution occurs, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution. Referendum action on the proposed reannexation may be taken by the voters of the area proposed to be reannexed if a petition calling for a referendum is filed with the city or town council, or county legislative authority, within a thirty-day period after the adoption of the second resolution, which petition has been signed by registered voters of the area proposed to be reannexed equal in number to ten percent of the total number of the registered voters residing in that area. If a valid petition signed by the requisite number of registered voters has been so filed, the effect of the resolutions shall be held in abeyance and a ballot proposition to authorize the reannexation shall be submitted to the voters of the area at the next special election date ~~((specified in RCW 29.13.020 that occurs forty-five or more days after the petitions have been validated))~~ according to RCW 29A.04.330. Approval of the ballot proposition authorizing the reannexation by a simple majority vote shall authorize the reannexation.

Sec. 19 RCW 27.12.370 and 1982 c 123 s 14 are each amended to read as follows: The county legislative authority or authorities shall by resolution call a special election to be held in such city or town at the next special election date ~~((provided in RCW 29.13.010 but not less than forty-five days from the date of the declaration of such finding))~~ according to RCW 29A.04.321, and shall cause notice of such election to be given as provided for in RCW ~~((29.27.080))~~ 29A.52.351. The election on the annexation of the city or town into the library district shall be conducted by the auditor of the county or counties in which the city or town is located in accordance with the general election laws of the state and the results thereof shall be canvassed by the canvassing board of the county or counties. No person shall be entitled to vote at such election unless he or she is registered to vote in said city or town for at least thirty days preceding the date of the election. The ballot proposition shall be in substantially the following form:

"Shall the city or town of be annexed to and be a part of library district?"

YES □

NO □"

If a majority of the persons voting on the proposition shall vote in favor thereof, the city or town shall thereupon be annexed and shall be a part of such library district.

Sec. 20 RCW 35.02.086 and 1986 c 234 s 11 are each amended to read as follows: Each candidate for a city or town elective position shall file a declaration of candidacy with the county auditor of the county in which all or the major portion of the city or town is located ~~((; not more than forty-five nor less than thirty days))~~ prior to the primary election at which the initial elected officials are nominated, according to RCW 29A.24.050. The elective positions shall be as provided in law for the type of city or town and form or plan of government specified in the petition to incorporate, and for the population of

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the city or town as determined by the county legislative authority or boundary review board where applicable. Any candidate may withdraw his or her declaration ~~((at any time within five days after the last day allowed for filing declaration of candidacy))~~ according to RCW 29A.24.131. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in groups under the designation of the respective titles of offices for which they are candidates. Names of candidates printed upon the ballot need not be rotated.

Sec. 21 RCW 35.06.070 and 1994 c 81 s 8 are each amended to read as follows: A ballot proposition authorizing an advancement in classification of a town to a second class city shall be submitted to the voters of the town if either: (1) Petitions proposing the advancement are submitted to the town clerk that have been signed by voters of the town equal in number to at least ten percent of the voters of the town voting at the last municipal general election; or (2) the town council adopts a resolution proposing the advancement. The clerk shall immediately forward the petitions to the county auditor who shall review the signatures and certify the sufficiency of the petitions. A ballot proposition authorizing an advancement shall be submitted to the town voters at the next ~~((municipal general))~~ special election ~~((occurring forty-five or more days after the petitions are submitted))~~ date according to RCW 29A.04.330 if the county auditor certifies the petitions as having sufficient valid signatures. The town shall be advanced to a second class city if the ballot proposition is approved by a simple majority vote, effective when the corporation is actually reorganized and the new officers are elected and qualified. The county auditor shall notify the secretary of state if the advancement of a town to a second class city is approved.

Sec. 22 RCW 35.13.1821 and 1998 c 286 s 2 are each amended to read as follows: The annexation ordinance provided for in RCW 35.13.182 is subject to referendum for forty-five days after its passage. Upon the filing of a timely and sufficient referendum petition with the legislative body, signed by qualified electors in number equal to not less than ten percent of the votes cast in the last general state election in the area to be annexed, the question of annexation shall be submitted to the voters of the area in a general election if one is to be held within ninety days or at a special election called for that purpose ~~((not less than forty-five days nor more than ninety days after the filing of the referendum petition))~~ according to RCW 29A.04.330. Notice of the election shall be given as provided in RCW 35.13.080 and the election shall be conducted as provided in the general election law. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto. After the expiration of the forty-fifth day from but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, the area annexed shall become a part of the city or town upon the date fixed in the ordinance of annexation.

Sec. 23 RCW 35.13.480 and 2003 c 299 s 2 are each amended to read as follows: (1) The legislative body of any county planning under chapter 36.70A RCW and subject to the requirements of RCW 36.70A.215 may initiate an annexation process with the legislative body of any other cities or towns that are contiguous to the territory proposed for annexation in RCW 35.13.470 if: (a) The county legislative body initiated an annexation process as provided in RCW 35.13.470; and (b) The affected city or town legislative body adopted a responsive resolution rejecting the proposed annexation or declined to create the requested interlocal agreement with the county; or (c) More than one hundred eighty days have passed since adoption of a county resolution as provided for in RCW 35.13.470 and the parties have not adopted or executed an interlocal agreement providing for the annexation of unincorporated territory. The legislative body for either the county or an affected city or town may, however, pass a resolution extending the negotiation period for one or more six-month periods if a public hearing is

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held and findings of fact are made prior to each extension. (2) Any county initiating the process provided for in subsection (1) of this section must do so by adopting a resolution commencing negotiations for an interlocal agreement as provided in chapter 39.34 RCW between the county and any city or town within the county. The annexation area must be within an urban growth area designated under RCW 36.70A.110 and at least sixty percent of the boundaries of the territory to be annexed must be contiguous to one or more cities or towns. (3) The agreement shall describe the boundaries of the territory to be annexed. A public hearing shall be held by each legislative body, separately or jointly, before the agreement is executed. Each legislative body holding a public hearing shall, separately or jointly, publish the agreement at least once a week for two weeks before the date of the hearing in one or more newspapers of general circulation within the territory proposed for annexation. (4) Following adoption and execution of the agreement by both legislative bodies, the city or town legislative body shall adopt an ordinance providing for the annexation. The legislative body shall cause notice of the proposed effective date of the annexation, together with a description of the property to be annexed, to be published at least once each week for two weeks subsequent to passage of the ordinance, in one or more newspapers of general circulation within the city and in one or more newspapers of general circulation within the territory to be annexed. If the annexation ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of the requirements. Any area to be annexed through an ordinance adopted under this section is annexed and becomes a part of the city or town upon the date fixed in the ordinance of annexation, which date may not be less than forty-five days after adoption of the ordinance. (5) The annexation ordinances provided for in RCW 35.13.470(4) and subsection (4) of this section are subject to referendum for forty-five days after passage. Upon the filing of a timely and sufficient referendum petition with the legislative body, signed by registered voters in number equal to not less than fifteen percent of the votes cast in the last general state election in the area to be annexed, the question of annexation shall be submitted to the voters of the area in a general election if one is to be held within ninety days or at a special election called for that purpose ~~((not less than forty-five days nor more than ninety days after the filing of the referendum petition))~~ according to RCW 29A.04.330. Notice of the election shall be given as provided in RCW 35.13.080 and the election shall be conducted as provided in the general election law. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto. After the expiration of the forty-fifth day from but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, the area annexed shall become a part of the city or town upon the date fixed in the ordinance of annexation. (6) If more than one city or town adopts interlocal agreements providing for annexation of the same unincorporated territory as provided by this section, an election shall be held in the area to be annexed pursuant to RCW 35.13.070 and 35.13.080. In addition to the provisions of RCW 35.13.070 and 35.13.080, the ballot shall also contain a separate proposition allowing voters to cast votes in favor of annexation to any one city or town participating in an interlocal agreement as provided by this section. If a majority of voters voting on the proposition vote against annexation, the proposition is defeated. If, however, a majority of voters voting in the election approve annexation, the area shall be annexed to the city or town receiving the highest number of votes among those cast in favor of annexation.

(7) Costs for an election required under subsection (6) of this section shall be borne by the county.

Sec. 24 RCW 35.61.360 and 1987 c 138 s 2 are each amended to read as follows: (1) As provided in this section, a metropolitan park district may withdraw areas from its

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boundaries, or reannex areas into the metropolitan park district that previously had been withdrawn from the metropolitan park district under this section. (2) The withdrawal of an area shall be authorized upon: (a) Adoption of a resolution by the park district commissioners requesting the withdrawal and finding that, in the opinion of the commissioners, inclusion of this area within the metropolitan park district will result in a reduction of the district's tax levy rate under the provisions of RCW 84.52.010; and (b) adoption of a resolution by the city or town council approving the withdrawal, if the area is located within the city or town, or adoption of a resolution by the county legislative authority of the county within which the area is located approving the withdrawal, if the area is located outside of a city or town. A withdrawal shall be effective at the end of the day on the thirty-first day of December in the year in which the resolutions are adopted, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution. The withdrawal of an area from the boundaries of a metropolitan park district shall not exempt any property therein from taxation for the purpose of paying the costs of redeeming any indebtedness of the metropolitan park district existing at the time of the withdrawal. (3) An area that has been withdrawn from the boundaries of a metropolitan park district under this section may be reannexed into the metropolitan park district upon: (a) Adoption of a resolution by the park district commissioners proposing the reannexation; and (b) adoption of a resolution by the city or town council approving the reannexation, if the area is located within the city or town, or adoption of a resolution by the county legislative authority of the county within which the area is located approving the reannexation, if the area is located outside of a city or town. The reannexation shall be effective at the end of the day on the thirty-first day of December in the year in which the adoption of the second resolution occurs, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution. Referendum action on the proposed reannexation may be taken by the voters of the area proposed to be reannexed if a petition calling for a referendum is filed with the city or town council, or county legislative authority, within a thirty-day period after the adoption of the second resolution, which petition has been signed by registered voters of the area proposed to be reannexed equal in number to ten percent of the total number of the registered voters residing in that area. If a valid petition signed by the requisite number of registered voters has been so filed, the effect of the resolutions shall be held in abeyance and a ballot proposition to authorize the reannexation shall be submitted to the voters of the area at the next special election date ~~((specified in RCW 29.13.020 that occurs forty-five or more days after the petitions have been validated))~~ according to RCW 29A.04.330. Approval of the ballot proposition authorizing the reannexation by a simple majority vote shall authorize the reannexation.

Sec. 25 RCW 35A.14.299 and 1967 ex.s. c 119 s 35A.14.299 are each amended to read as follows: Such annexation ordinance as provided for in RCW 35A.14.297 shall be subject to referendum for forty-five days after the passage thereof. Upon the filing of a timely and sufficient referendum petition with the legislative body, signed by qualified electors in number equal to not less than ten percent of the votes cast in the last general state election in the area to be annexed, the question of annexation shall be submitted to the voters of such area in a general election if one is to be held within ninety days or at a special election called for that purpose ~~((not less than forty-five days nor more than ninety days after the filing of the referendum petition))~~ according to RCW 29A.04.330. Notice of such election shall be given as provided in RCW 35A.14.070 and the election shall be conducted as provided in RCW ~~((35A.14.060))~~ 35A.29.151. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the

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proposition are in opposition thereto. After the expiration of the forty-fifth day from but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, the area annexed shall become a part of the code city upon the date fixed in the ordinance of annexation. From and after such date, if the ordinance so provided, property in the annexed area shall be subject to the proposed zoning regulation prepared and filed for such area as provided in RCW 35A.14.330 and 35A.14.340. If the ordinance so provided, all property within the area annexed shall be assessed and taxed at the same rate and on the same basis as the property of such annexing code city is assessed and taxed to pay for any then outstanding indebtedness of such city contracted prior to, or existing at, the date of annexation.

Sec. 26 RCW 35A.14.470 and 2003 c 299 s 4 are each amended to read as follows: (1) The legislative body of any county planning under chapter 36.70A RCW and subject to the requirements of RCW 36.70A.215 may initiate an annexation process with the legislative body of any other cities or towns that are contiguous to the territory proposed for annexation in RCW 35A.14.460 if: (a) The county legislative body initiated an annexation process as provided in RCW 35A.14.460; and (b) The affected city legislative body adopted a responsive resolution rejecting the proposed annexation or declined to create the requested interlocal agreement with the county; or (c) More than one hundred eighty days have passed since adoption of a county resolution as provided for in RCW 35A.14.460 and the parties have not adopted or executed an interlocal agreement providing for the annexation of unincorporated territory. The legislative body for either the county or an affected city may, however, pass a resolution extending the negotiation period for one or more six-month periods if a public hearing is held and findings of fact are made prior to each extension. (2) Any county initiating the process provided for in subsection (1) of this section must do so by adopting a resolution commencing negotiations for an interlocal agreement as provided in chapter 39.34 RCW between the county and any city or town within the county. The annexation area must be within an urban growth area designated under RCW 36.70A.110 and at least sixty percent of the boundaries of the territory to be annexed must be contiguous to one or more cities or towns. (3) The agreement shall describe the boundaries of the territory to be annexed. A public hearing shall be held by each legislative body, separately or jointly, before the agreement is executed. Each legislative body holding a public hearing shall, separately or jointly, publish the agreement at least once a week for two weeks before the date of the hearing in one or more newspapers of general circulation within the territory proposed for annexation. (4) Following adoption and execution of the agreement by both legislative bodies, the city or town legislative body shall adopt an ordinance providing for the annexation. The legislative body shall cause notice of the proposed effective date of the annexation, together with a description of the property to be annexed, to be published at least once each week for two weeks subsequent to passage of the ordinance, in one or more newspapers of general circulation within the city and in one or more newspapers of general circulation within the territory to be annexed. If the annexation ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of the requirements. Any area to be annexed through an ordinance adopted under this section is annexed and becomes a part of the city or town upon the date fixed in the ordinance of annexation, which date may not be less than forty-five days after adoption of the ordinance.

(5) The annexation ordinances provided for in RCW 35A.14.460(4) and subsection (4) of this section are subject to referendum for forty-five days after passage. Upon the filing of a timely and sufficient referendum petition with the legislative body, signed by registered voters in number equal to not less than fifteen percent of the votes cast in the last general state election in the area to be annexed, the question of annexation

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shall be submitted to the voters of the area in a general election if one is to be held within ninety days or at a special election called for that purpose (~~(not less than forty-five days nor more than ninety days after the filing of the referendum petition)~~) according to RCW 29A.04.330. Notice of the election shall be given as provided in RCW 35A.14.070 and the election shall be conducted as provided in the general election law. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto. After the expiration of the forty-fifth day from but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, the area annexed shall become a part of the city or town upon the date fixed in the ordinance of annexation. (6) If more than one city or town adopts interlocal agreements providing for annexation of the same unincorporated territory as provided by this section, an election shall be held in the area to be annexed pursuant to RCW 35A.14.070. In addition to the provisions of RCW 35A.14.070, the ballot shall also contain a separate proposition allowing voters to cast votes in favor of annexation to any one city or town participating in an interlocal agreement as provided by this section. If a majority of voters voting on the proposition vote against annexation, the proposition is defeated. If, however, a majority of voters voting in the election approve annexation, the area shall be annexed to the city or town receiving the highest number of votes among those cast in favor of annexation. (7) Costs for an election required under subsection (6) of this section shall be borne by the county.

Sec. 27 RCW 36.24.190 and 1996 c 108 s 2 are each amended to read as follows: In a county with a population of two hundred fifty thousand or more, the county legislative authority may, upon majority vote at an election called by the county legislative authority, adopt a system under which a medical examiner may be appointed to replace the office of the coroner. The county legislative authority must adopt a resolution or ordinance that creates the office of medical examiner at least thirty days prior to the first day of filing for the primary election for county offices. If a county adopts such a resolution or ordinance, the resolution or ordinance shall be referred to the voters for confirmation or rejection at the next date for a special election (~~(that is more than forty-five days from the date the resolution or ordinance was adopted)~~) according to RCW 29A.04.321. If the resolution or ordinance is approved by majority vote, no election shall be held for the position of coroner and the coroner's position is abolished following the expiration of the coroner's term of office or upon vacating of the office of the coroner for any reason. The county legislative authority shall appoint a medical examiner to assume the statutory duties performed by the county coroner and the appointment shall become effective following the expiration of the coroner's term of office or upon the vacating of the office of the coroner. To be appointed as a medical examiner pursuant to this section, a person must either be: (1) Certified as a forensic pathologist by the American board of pathology; or (2) a qualified physician eligible to take the American board of pathology exam in forensic pathology within one year of being appointed. A physician specializing in pathology who is appointed to the position of medical examiner and who is not certified as a forensic pathologist must pass the pathology exam within three years of the appointment.

Sec. 28 RCW 36.93.030 and 1991 c 363 s 91 are each amended to read as follows: (1) There is hereby created and established in each county with a population of two hundred ten thousand or more a board to be known and designated as a "boundary review board". (2) A boundary review board may be created and established in any other county in the following manner: (a) The county legislative authority may, by majority vote, adopt a resolution establishing a boundary review board; or (b) A petition seeking establishment of a boundary review board signed by qualified electors residing in the county equal in number to at least five percent of the votes cast in the county

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at the last county general election may be filed with the county auditor. Upon the filing of such a petition, the county auditor shall examine the same and certify to the sufficiency of the signatures thereon. No person may withdraw his or her name from a petition after it has been filed with the auditor. Within thirty days after the filing of such petition, the county auditor shall transmit the same to the county legislative authority, together with his or her certificate of sufficiency. After receipt of a valid petition for the establishment of a boundary review board, the county legislative authority shall submit the question of whether a boundary review board should be established to the electorate at the next (~~(county)~~) primary or (~~(county)~~) general election (~~(which occurs more than forty-five days from the date of receipt of the petition)~~) according to RCW 29A.04.321. Notice of the election shall be given as provided in RCW (~~(29.27.080)~~) 29A.52.351 and shall include a clear statement of the proposal to be submitted. If a majority of the persons voting on the proposition shall vote in favor of the establishment of the boundary review board, such board shall thereupon be deemed established.

Sec. 29 RCW 42.12.040 and 2003 c 238 s 4 are each amended to read as follows: (1) If a vacancy occurs in any partisan elective office in the executive or legislative branches of state government or in any partisan county elective office before the (~~(sixth)~~) eleventh Tuesday prior to the primary for the next general election following the occurrence of the vacancy, a successor shall be elected to that office at that general election. Except during the last year of the term of office, if such a vacancy occurs on or after the (~~(sixth)~~) eleventh Tuesday prior to the primary for that general election, the election of the successor shall occur at the next succeeding general election. The elected successor shall hold office for the remainder of the unexpired term. This section shall not apply to any vacancy occurring in a charter county which has charter provisions inconsistent with this section. (2) If a vacancy occurs in any legislative office or in any partisan county office after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified as defined in RCW (~~(29.01.135)~~) 29A.04.133 and shall continue through the term for which he or she was elected.

Sec. 30 RCW 42.17.080 and 2005 c 184 s 1 are each amended to read as follows: (1) On the day the treasurer is designated, each candidate or political committee shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the treasurer resides, in addition to any statement of organization required under RCW 42.17.040 or 42.17.050, a report of all contributions received and expenditures made prior to that date, if any. (2) At the following intervals each treasurer shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the committee maintains its office or headquarters, and if there is no office or headquarters then in the county in which the treasurer resides, a report containing the information required by RCW 42.17.090: (a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; and (b) On the tenth day of the first month after the election (~~(-PROVIDED, That this report shall not be required following a primary election from:~~ (i) A candidate whose name will appear on the subsequent general election ballot; or (ii) Any continuing political committee); and (c) On the tenth day of each month in which no other reports are required to be filed under this section: PROVIDED, That such report shall only be filed if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars. When there is no

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outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and in the case of a political committee, the committee has ceased to function and has dissolved, the treasurer shall file a final report. Upon submitting a final report, the duties of the treasurer shall cease and there shall be no obligation to make any further reports. The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of the fifth business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of the one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report. (3) For the period beginning the first day of the fourth month preceding the date on which the special (~~or general~~) election is held, or for the period beginning the first day of the fifth month before the date on which the general election is held, and ending on the date of that special or general election, each Monday the treasurer shall file with the commission and the appropriate county elections officer a report of each bank deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds so deposited and the amount contributed by each person. However, contributions of no more than twenty-five dollars in the aggregate from any one person may be deposited without identifying the contributor. A copy of the report shall be retained by the treasurer for his or her records. In the event of deposits made by a deputy treasurer, the copy shall be forwarded to the treasurer for his or her records. Each report shall be certified as correct by the treasurer or deputy treasurer making the deposit. (4) If a city requires that candidates or committees for city offices file reports with a city agency, the candidate or treasurer so filing need not also file the report with the county auditor or elections officer. (5) The treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day. As specified in the committee's statement of organization filed under RCW 42.17.040, the books of account must be open for public inspection by appointment at the designated place for inspections between 8:00 a.m. and 8:00 p.m. on any day from the eighth day immediately before the election through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days. The appointment must be allowed at an authorized time and day for such inspections that is within twenty-four hours of the time and day that is requested for the inspection. (6) The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred. (7) All reports filed pursuant to subsection (1) or (2) of this section shall be certified as correct by the candidate and the treasurer. (8) Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission. (9) After January 1, 2002, a report that is filed with the commission electronically need not also be filed with the county auditor or elections officer. (10) The commission shall adopt administrative rules establishing requirements for filer participation in any system

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designed and implemented by the commission for the electronic filing of reports.

Sec. 31 RCW 42.17.710 and 2003 c 164 s 3 are each amended to read as follows: (1) During the period beginning on the thirtieth day before the date a regular legislative session convenes and continuing (~~thirty days past~~) through the date of final adjournment, and during the period beginning on the date a special legislative session convenes and continuing through the date that session adjourns, no state official or a person employed by or acting on behalf of a state official or state legislator may solicit or accept contributions to a public office fund, to a candidate or authorized committee, or to retire a campaign debt. (2) This section does not apply to activities authorized in RCW 43.07.370.

Sec. 32 RCW 52.02.080 and 1989 c 63 s 6 are each amended to read as follows: The election on the formation of the district and to elect the initial fire commissioners shall be conducted by the election officials of the county or counties in which the proposed district is located in accordance with the general election laws of the state. This election shall be held at the next general election date (~~as specified under RCW 29A.04.020~~) according to RCW 29A.04.321 and 29A.04.330, that occurs (~~forty-five or more days~~) after the date of the action by the boundary review board, or county legislative authority or authorities, approving the proposal.

Sec. 33 RCW 52.04.056 and 1989 c 63 s 11 are each amended to read as follows: (1) As provided in this section, a fire protection district may withdraw areas from its boundaries, or reannex areas into the fire protection district that previously had been withdrawn from the fire protection district under this section. (2) The withdrawal of an area shall be authorized upon: (a) Adoption of a resolution by the board of fire commissioners requesting the withdrawal and finding that, in the opinion of the board, inclusion of this area within the fire protection district will result in a reduction of the district's tax levy rate under the provisions of RCW 84.52.010; and (b) adoption of a resolution by the city or town council approving the withdrawal, if the area is located within the city or town, or adoption of a resolution by the county legislative authority or authorities of the county or counties within which the area is located approving the withdrawal, if the area is located outside of a city or town. A withdrawal shall be effective at the end of the day on the thirty-first day of December in the year in which the resolutions are adopted, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution. The authority of an area to be withdrawn from a fire protection district as provided under this section is in addition, and not subject, to the provisions of RCW 52.04.101. The withdrawal of an area from the boundaries of a fire protection district shall not exempt any property therein from taxation for the purpose of paying the costs of redeeming any indebtedness of the fire protection district existing at the time of the withdrawal. (3) An area that has been withdrawn from the boundaries of a fire protection district under this section may be reannexed into the fire protection district upon: (a) Adoption of a resolution by the board of fire commissioners proposing the reannexation; and (b) adoption of a resolution by the city or town council approving the reannexation, if the area is located within the city or town, or adoption of a resolution by the county legislative authority or authorities of the county or counties within which the area is located approving the reannexation, if the area is located outside of a city or town. The reannexation shall be effective at the end of the day on the thirty-first day of December in the year in which the adoption of the second resolution occurs, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution. Referendum action on the proposed reannexation may be taken by the voters of the area proposed to be reannexed if a petition calling for a referendum is filed with the city or town council, or county legislative

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authority or authorities, within a thirty-day period after the adoption of the second resolution, which petition has been signed by registered voters of the area proposed to be reannexed equal in number to ten percent of the total number of the registered voters residing in that area. If a valid petition signed by the requisite number of registered voters has been so filed, the effect of the resolutions shall be held in abeyance and a ballot proposition to authorize the reannexation shall be submitted to the voters of the area at the next special election date ((specified in RCW 29.13.020 that occurs forty-five or more days after the petitions have been validated)) according to RCW 29A.04.330. Approval of the ballot proposition authorizing the reannexation by a simple majority vote shall authorize the reannexation.

Sec. 34 RCW 52.04.071 and 1984 c 230 s 16 are each amended to read as follows: The county legislative authority or authorities shall by resolution call a special election to be held in the city or town and in the fire protection district at the next date ((provided in RCW 29.13.010 but not less than forty-five days from the date of the declaration of the finding)) according to RCW 29A.04.321, and shall cause notice of the election to be given as provided for in RCW ((29.27.080)) 29A.52.351. The election on the annexation of the city or town into the fire protection district shall be conducted by the auditor of the county or counties in which the city or town and the fire protection district are located in accordance with the general election laws of the state. The results thereof shall be canvassed by the canvassing board of the county or counties. No person is entitled to vote at the election unless he or she is a qualified elector in the city or town or unless he or she is a qualified elector within the boundaries of the fire protection district. The ballot proposition shall be in substantially the following form: "Shall the city or town of be annexed to and be a part of fire protection district? YES. NO " If a majority of the persons voting on the proposition in the city or town and a majority of the persons voting on the proposition in the fire protection district vote in favor thereof, the city or town shall be annexed and shall be a part of the fire protection district.

Sec. 35 RCW 53.04.110 and 1998 c 240 s 1 are each amended to read as follows: Any port district now existing or which may hereafter be organized under the laws of the state of Washington is hereby authorized to change its corporate name under the following conditions and in the following manner: (1) On presentation((; at least forty-five days before any general port election to be held in the port district.)) of a petition to the commissioners of any port district now existing or which may hereafter be established under the laws of the state of Washington, signed by at least ten percent of the total number of voters of the port district who voted at the last general port election and asking that the corporate name of the port district be changed, it shall be the duty of the commissioners to submit to the voters of the port district the proposition as to whether the corporate name of the port shall be changed. The proposition shall be submitted at the next general port election according to RCW 29A.04.330. (2) The petition shall contain the present corporate name of the port district and the corporate name which is proposed to be given to the port district. (3) On submitting the proposition to the voters of the port district it shall be the duty of the port commissioners to cause to be printed on the official ballot used at the election the following proposition:

"Shall the corporate name,
'Port of ' be

changed to 'Port of ' YES

"Shall the corporate name,
'Port of ' be

changed to 'Port of ' NO"

(4) At the time when the returns of the general election shall be canvassed by the commissioners of the port district, it shall be the duty of the commissioners to canvass the vote upon the proposition so submitted, recording in their record the result of the canvass. (5) Should a majority of the registered voters of the port district voting at the general port election vote in favor of the proposition it shall be the duty of the port commissioners to certify the fact to the auditor of the county in which the port district shall be situated and to the secretary of state of the state of Washington, under the seal of the port district. On and after the filing of the certificate with the county auditor as aforesaid and with the secretary of state of the state of Washington, the corporate name of the port district shall be changed, and thenceforth the port district shall be known and designated in accordance therewith.

Sec. 36 RCW 54.08.010 and 1985 c 469 s 55 are each amended to read as follows: At any general election held in an even-numbered year, the county legislative authority of any county in this state may, or, on petition of ten percent of the qualified electors of the county based on the total vote cast in the last general county election held in an even-numbered year, shall, by resolution, submit to the voters of the county the proposition of creating a public utility district which shall be coextensive with the limits of the county as now or hereafter established. A form of petition for the creation of a public utility district shall be submitted to the county auditor within ten months prior to the election at which the proposition is to be submitted to the voters. Petitions shall be filed with the county auditor not less than four months before the election and the county auditor shall within thirty days examine the signatures thereof and certify to the sufficiency or insufficiency thereof. If the petition be found to be insufficient, it shall be returned to the persons filing the same, who may amend or add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his certificate thereto. No person having signed the petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor: PROVIDED, That each signature shall be dated and that no signature dated prior to the date on which the form of petition was submitted to the county auditor shall be valid. Whenever the petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the county legislative authority which shall submit the proposition to the voters of the county at the next general election in an even-numbered year ((occurring forty-five days after submission of the proposition to the legislative authority)) according to RCW 29A.04.330. The notice of the election shall state the boundaries of the proposed public utility district and the object of such election, and shall in other respects conform to the requirements of the general laws of the state of Washington, governing the time and manner of holding elections. In submitting the question to the voters for their approval or rejection, the proposition shall be expressed on the ballot substantially in the following terms: Public Utility District No. YES □ Public Utility District No. NO □ Any petition for the formation of a public utility district may describe a less area than the entire county in which the petition is filed, the boundaries of which shall follow the then existing precinct boundaries and not divide any voting precinct; and in the event that such a petition is filed the county legislative authority shall fix a date for a hearing on such petition, and shall publish the petition, without the signatures thereto appended, for two weeks prior to the date of the hearing, together with a notice stating the time of the meeting when the petition will be heard. The publication, and all other publications required by chapter 1, Laws of 1931, shall be in a newspaper of general circulation in the county in which the district is situated. The hearing on the

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petition may be adjourned from time to time, not exceeding four weeks in all. If upon the final hearing the county legislative authority shall find that any lands have been unjustly or improperly included within the proposed public utility district and will not be benefited by inclusion therein, it shall change and fix the boundary lines in such manner as it shall deem reasonable and just and conducive to the public welfare and convenience, and make and enter an order establishing and defining the boundary lines of the proposed public utility district: PROVIDED, That no lands shall be included within the boundaries so fixed lying outside the boundaries described in the petition, except upon the written request of the owners of those lands. Thereafter the same procedure shall be followed as prescribed in this chapter for the formation of a public utility district including an entire county, except that the petition and election shall be confined solely to the lesser public utility district. No public utility district created after September 1, 1979, shall include any other public utility district within its boundaries: PROVIDED, That this paragraph shall not alter, amend, or modify provisions of chapter 54.32 RCW.

Sec. 37 RCW 54.08.070 and 1979 ex.s. c 240 s 2 are each amended to read as follows: Any district which does not own or operate electric facilities for the generation, transmission or distribution of electric power on March 25, 1969, or any district which hereafter does not construct or acquire such electric facilities within ten years of its creation, shall not construct or acquire any such electric facilities without the approval of such proposal by the voters of such district: PROVIDED, That a district shall have the power to construct or acquire electric facilities within ten years following its creation by action of its commission without voter approval of such action. At any general election held in an even-numbered year, the proposal to construct or acquire electric facilities may be submitted to the voters of the district by resolution of the public utility district commission or shall be submitted to the voters of the district by the county legislative authority on petition of ten percent of the qualified electors of such district, based on the total vote cast in the last general county election held in an even-numbered year. A form of petition for the construction or acquisition of electric facilities by the public utility district shall be submitted to the county auditor within ten months prior to the election at which such proposition is to be submitted to the voters. Petitions shall be filed with the county auditor not less than four months before such election and the county auditor shall within thirty days examine the signatures thereof and certify to the sufficiency or insufficiency thereof. If such petition is found to be insufficient, it shall be returned to the persons filing the same, who may amend and add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his certificate thereto. No person having signed such petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor: PROVIDED, That each signature shall be dated and that no signature dated prior to the date on which the form of petition was submitted to the county auditor shall be valid. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the county legislative authority which shall submit such proposition to the voters of said district at the next general election in an even-numbered year (~~occurring forty-five days after submission of the proposition to said legislative authority~~) according to RCW 29A.04.330. The notice of the election shall state the object of such election, and shall in other respects conform to the requirements of the general laws of Washington, governing the time and manner of holding elections. The proposal submitted to the voters for their approval or rejection, shall be expressed on the ballot substantially in the following terms: Shall Public Utility District No. of County construct or acquire electric facilities

for the generation, transmission or distribution of electric power?

Yes & Square;

No & Square;

Within ten days after such election, the election board of the county shall canvass the returns, and if at such election a majority of the voters voting on such proposition shall vote in favor of such construction or acquisition of electric facilities, the district shall be authorized to construct or acquire electric facilities.

Sec. 38 RCW 57.04.050 and 1999 c 153 s 1 are each amended to read as follows: Upon entry of the findings of the final hearing on the petition if one or more county legislative authorities find that the proposed district will be conducive to the public health, welfare, and convenience and will benefit the land therein, they shall present a resolution to the county auditor calling for a special election to be held at a date (~~specified under RCW 29.13.020, that occurs forty-five or more days after the resolution is presented~~) according to RCW 29A.04.330, at which a ballot proposition authorizing the district to be created shall be submitted to voters for their approval or rejection. The commissioners shall cause to be published a notice of the election for four successive weeks in a newspaper of general circulation in the proposed district, which notice shall state the hours during which the polls will be open, the boundaries of the district as finally adopted and the object of the election, and the notice shall also be posted ten days in ten public places in the proposed district. The district shall be created if the ballot proposition authorizing the district to be created is approved by a majority of the voters voting on the proposition. A separate ballot proposition authorizing the district, if created, to impose a single-year excess levy for the preliminary expenses of the district shall be submitted to voters for their approval or rejection at the same special election, if the petition to create the district also proposed that a ballot proposition authorizing an excess levy be submitted to voters for their approval or rejection. The excess levy shall be proposed in the amount specified in the petition to create the district, not to exceed one dollar and twenty-five cents per thousand dollars of assessed value, and may only be submitted to voters for their approval or rejection if the special election is held in February, March, April, or May. The proposition to be effective must be approved in the manner set forth in Article VII, section 2(a) of the state Constitution.

Sec. 39 RCW 70.44.235 and 1987 c 138 s 4 are each amended to read as follows: (1) As provided in this section, a public hospital district may withdraw areas from its boundaries, or reannex areas into the public hospital district that previously had been withdrawn from the public hospital district under this section. (2) The withdrawal of an area shall be authorized upon: (a) Adoption of a resolution by the hospital district commissioners requesting the withdrawal and finding that, in the opinion of the commissioners, inclusion of this area within the public hospital district will result in a reduction of the district's tax levy rate under the provisions of RCW 84.52.010; and (b) adoption of a resolution by the city or town council approving the withdrawal, if the area is located within the city or town, or adoption of a resolution by the county legislative authority of the county within which the area is located approving the withdrawal, if the area is located outside of a city or town. A withdrawal shall be effective at the end of the day on the thirty-first day of December in the year in which the resolutions are adopted, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution. The withdrawal of an area from the boundaries of a public hospital district shall not exempt any property therein from taxation for the purpose of paying the costs of redeeming any indebtedness of the public hospital district existing at the time of the withdrawal. (3) An area that has been withdrawn from the boundaries of a public hospital district under this section may be reannexed into the public hospital district upon:

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(a) Adoption of a resolution by the hospital district commissioners proposing the reannexation; and (b) adoption of a resolution by the city or town council approving the reannexation, if the area is located within the city or town, or adoption of a resolution by the county legislative authority of the county within which the area is located approving the reannexation, if the area is located outside of a city or town. The reannexation shall be effective at the end of the day on the thirty-first day of December in the year in which the adoption of the second resolution occurs, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution. Referendum action on the proposed reannexation may be taken by the voters of the area proposed to be reannexed if a petition calling for a referendum is filed with the city or town council, or county legislative authority, within a thirty-day period after the adoption of the second resolution, which petition has been signed by registered voters of the area proposed to be reannexed equal in number to ten percent of the total number of the registered voters residing in that area. If a valid petition signed by the requisite number of registered voters has been so filed, the effect of the resolutions shall be held in abeyance and a ballot proposition to authorize the reannexation shall be submitted to the voters of the area at the next special election date (~~(specified in RCW 29.13.020 that occurs forty-five or more days after the petitions have been validated))~~ according to RCW 29A.04.330. Approval of the ballot proposition authorizing the reannexation by a simple majority vote shall authorize the reannexation.

NEW SECTION. Sec. 40 RCW 29A.04.158 (September primary) and 2004 c 271 s 187 are each repealed.

NEW SECTION. Sec. 41 Sections 1 through 16 and 18 through 40 of this act take effect January 1, 2007.

NEW SECTION. Sec. 42 Section 16 of this act expires July 1, 2013.

NEW SECTION. Sec. 43 Section 17 of this act takes effect July 1, 2013.

Senator Kastama spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kastama to Engrossed Senate Bill No. 6236.

The motion by Senator Kastama carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "deadlines;" strike the remainder of the title and insert "amending RCW 29A.04.311, 29A.04.321, 29A.04.330, 29A.20.121, 29A.24.040, 29A.24.050, 29A.24.171, 29A.24.181, 29A.24.191, 29A.24.211, 29A.28.021, 29A.28.041, 29A.40.070, 29A.52.011, 29A.56.030, 29A.60.190, 27.12.355, 27.12.370, 35.02.086, 35.06.070, 35.13.1821, 35.13.480, 35.61.360, 35A.14.299, 35A.14.470, 36.24.190, 36.93.030, 42.12.040, 42.17.080, 42.17.710, 52.02.080, 52.04.056, 52.04.071, 53.04.110, 54.08.010, 54.08.070, 57.04.050, and 70.44.235; reenacting and amending RCW 29A.60.190; repealing RCW 29A.04.158; providing effective dates; and providing an expiration date."

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Senate Bill No. 6236 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schmidt, Haugen and Kohl-Welles spoke in favor of passage of the bill.

Senator Fairley spoke against passage of the bill.

PARLIAMENTARY INQUIRY

Senator Sheldon: "Mr. President, in fact we know that initiative 872 was passed by the voters last year. The ruling on this I believe last year by you from the rostrum was that this bill would take a two-thirds majority. It is my understanding that the initiative has been overturned by the Ninth Circuit Court of Appeals by District Court, -excuse me, and it is now in appeal at the Ninth Circuit Court level. I may be wrong about my dates but I believe the oral arguments are set for that appeal next month. I wonder, Mr. President, if this bill needs a two-thirds majority or a simple majority to pass?"

REMARKS BY SENATOR KASTAMA

Senator Kastama: "Just to recap the history last year, the Lt. Governor, President of the Senate ruled that a two-thirds majority was necessary to enact a bill moving the dates of the primary. This ruling was based upon the passage of Initiative 872 as Senator Sheldon has pointed out. Initiative 872 was then found unconstitutional by the Federal Courts. Mr. President, I would like to read a paragraph from page thirty-eight of that decision with your permission? Thank you. The effects of the invalidity of the States Statutes is governed by state law. Washington law holds that an invalid statute is a nullity. It is an inoperative as if it had never been passed and those are the exact words of the judge. The Washington State Supreme Court has held that the natural effect of this rule is that once the invalid statute has been declared a nullity it leaves the law as it stood prior to the enactment of the invalid statute. In this case the courts holding that Initiative 872 is unconstitutional renders it anility including any provision within it purporting to repeals sections of that revised code of Washington. Therefore, the law as it existed before the passage of Initiative 872 including the Montana primary system stands as if Initiative 872 had never been approved. Mr. President, I would offer these words and ask that in fact we have a simple majority. I know it's your decision. Thank you."

MOTION

On motion of Senator Regala, Senators Hargrove and Thibaudeau were excused.

MOTION

On motion of Senator Eide, further consideration of Engrossed Senate Bill No. 6236 was deferred and the bill held its place on the third reading calendar.

The President Pro Tempore assumed the chair.

REMARKS BY SENATOR EIDE

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Senator Eide: "Madam President, for the members information we are going to still remain in the sixth order of business. We are going to do a few Gubernatorial Appointments while the Lt. Governor makes his decision."

Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48
Excused: Senator Hargrove - 1

MOTION

On motion of Senator Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment 9118, Lyle Lovingfoss, Gubernatorial Appointment 9205, Thuy Vo, and Gubernatorial Appointment 9238, Kay Cochran as members of the Board of Trustees, Lower Columbia Community College District No. 13 and the vote of the Senate was recorded as a separate vote for each appointment.

Senator Doumit moved that Gubernatorial Appointment No. 9118, Lyle Lovingfoss, Gubernatorial Appointment No. 9205, Thuy Vo and Gubernatorial Appointment No. 9238, Kay Cochran as members of the Board of Trustees, Lower Columbia Community College District No. 13 be confirmed.

Senator Doumit spoke in favor of the confirmations.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

APPOINTMENT OF LYLE LOVINGFOSS

MOTION

On motion of Senator Regala, Senator Fairley was excused.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9118, Lyle Lovingfoss as a member of the Board of Trustees, Lower Columbia Community College District No. 13 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Hargrove - 1

APPOINTMENT OF THUY VO

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9205, Thuy Vo as a member of the Board of Trustees, Lower Columbia Community College District No. 13 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach,

APPOINTMENT OF KAY COCHRAN

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9238, Kay Cochran as a member of the Board of Trustees, Lower Columbia Community College District No. 13 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Hargrove - 1

Gubernatorial Appointments No. 9238, Kay Cochran, 9118, Lyle Lovingfoss and 9205, Thuy Vo having received the constitutional majority were declared confirmed as a member of the Board of Trustees, Lower Columbia Community College District No. 13.

MOTION

On motion of Senator Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment 9246, Michael Grunwald, Gubernatorial Appointment 9274, Stanley Rumbaugh, and Gubernatorial Appointment 9309, Karen Seinfeld as members of the Board of Trustees, Bates Technical College District No. 28 and the vote of the Senate was recorded as a separate vote for each appointment.

Senator Regala moved that Gubernatorial Appointment No. 9246, Michael Grunwald, Gubernatorial Appointment No. 9274, Stanley Rumbaugh and Gubernatorial Appointment No. 9309, Karen Seinfeld as members of the Board of Trustees, Bates Technical College District No. 28 be confirmed.

Senator Regala spoke in favor of the confirmations.

MOTION

On motion of Senator Schoesler, Senator Pflug was excused.

APPOINTMENT OF MICHAEL GRUNWALD

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9246, Michael Grunwald as a member of the Board of Trustees, Bates Technical College District No. 28 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Hargrove and Pflug - 2

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APPOINTMENT OF STANLEY RUMBAUGH

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9274, Stanley Rumbaugh as a member of the Board of Trustees, Bates Technical College District No. 28 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Hargrove and Pflug - 2

APPOINTMENT OF KAREN SEINFELD

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9309, Karen Seinfeld as a member of the Board of Trustees, Bates Technical College District No. 28 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Hargrove and Pflug - 2

Gubernatorial Appointments No. 9309, Karen Seinfeld, 9246, Michael Grunwald and 9274, Stanley Rumbaugh having received the constitutional majority were declared confirmed as a member of the Board of Trustees, Bates Technical College District No. 28.

The President assumed the chair.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of inquiry raised by Senator Sheldon that this measure takes a two-thirds vote for final passage because it amends sections enacted by Initiative Number 872, the President finds and rules as follows:

Last Session, the President did rule that a similar measure required a two-thirds vote for final passage because it amended sections of the law enacted by I-872. Since that time, this has been a high-profile issue that is being litigated in the courts. The President begins by reminding the body that its presiding officers have a long tradition of ruling on parliamentary issues, not legal or constitutional matters. The President's rulings do not, however, take place in a vacuum. When appropriate, the President must, as a matter of comity and parliamentary necessity, take notice of actions undertaken by other branches of government which have a practical impact on parliamentary issues.

On July 15, 2005, a federal judge issued an order declaring, among other things, I-872 to be unconstitutional, and the judge's ruling is relevant to the analysis on this point of order. It is important to note the precise language used by the judge in the case because it bears directly on the state of the law before us. The judge wrote on page 38 of his Order:

In this case, the Court's holding that Initiative 872 is unconstitutional renders it a nullity, including any provisions within it purporting to repeal sections of the Revised Code of Washington. Therefore, the law as it existed before the passage of Initiative 872, including the Montana primary system, stands as if Initiative 872 had never been approved.

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It is hard to imagine the Court being clearer in its statement that the law is returned to its former status as if I-872 had never been approved. Since this is the case, it necessarily follows that any change to the law proposed by this body takes only a simple majority vote because there is no initiative left to amend.

It may well be that the federal judge's ruling will not be the final word on this matter. The President is aware that the matter is being appealed and further litigated in the courts, and it is uncertain when or how further court action might change the trial court's decision. It may be prudent for proponents of this measure to seek a two-thirds vote as a means of removing all doubt and risk which may flow from subsequent and different court action. It is precisely because of this uncertainty, however, that the President cannot engage in speculative analysis, but must instead confine himself to the state of the law as it exists at the time of his ruling. Presently, a duly-constituted Court has declared I-872 unconstitutional and returned the law to its pre-I-872 status. In appropriate deference to this Order, the President finds and rules that the measure before us takes only a simple majority vote for final passage.

The Senate resumed consideration of Engrossed Senate Bill No. 6236.

PARLIAMENTARY INQUIRY

Senator Jacobsen: "If the Appeals Court did reinstate the initiative and we'd acted without two-thirds at that time, would that still be the proper action or would the initiative take affect and repeal the changes in what we enact today, if that became the law?"

REPLY BY THE PRESIDENT

President Owen: "Senator Jacobsen, if in fact the court ruled as you stated then the action of this body would be in question as of others but the President does not speculate on what the court may determine."

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6236.

Senators Sheldon, Jacobsen, Roach, Franklin spoke against passage of the bill.

Senators McCaslin, Thibaudeau and Kastama spoke in favor of passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6236 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Finkbeiner, Fraser, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Shin, Swecker, Thibaudeau, Weinstein and Zarelli - 37

Voting nay: Senators Benton, Esser, Fairley, Franklin, Jacobsen, Parlette, Roach, Schoesler, Sheldon, Spanel and Stevens - 11

Excused: Senator Hargrove - 1

ENGROSSED SENATE BILL NO. 6236, having received the constitutional majority, was declared passed. There being no

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objection, the title of the bill was ordered to stand as the title of the act.

Rasmussen, Shin, Delvin, Mulliken, Oke, Parlette and Kohl-Welles

INTRODUCTION OF SPECIAL GUEST

Authorizing state agencies to create sick leave pools for employees.

The President welcomed and introduced Senator Sheldon's mother, Mrs. Lillian Sheldon, who was seated in the rear of the chamber.

The measure was read the second time.

MOTION

REMARKS BY THE PRESIDENT

President Owen: "We would like to give her a very hardy happy birthday having turned ninety yesterday. Welcome Mrs. Sheldon and Happy Birthday."

On motion of Senator Berkey, the rules were suspended, Senate Bill No. 6059 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6059.

PERSONAL PRIVILEGE

ROLL CALL

Senator Sheldon: "Thank you Mr. President for recognizing my mom. My mom always told us that birthdays don't matter unless they ended in five or zero and yesterday, of course was her ninetieth birthday. She was born at Swedish Hospital, January 31, 1916 and, you history buffs, that day in history, ninety years ago was the biggest snow fall that ever occurred ever in Seattle. There was over four feet of snow. Her mother traveled to Swedish Hospital before the birth and it took her father, my grandfather, over four days to get there in the snow. The snow was so heavy that it collapsed the roof of St. James Cathedral. So often the PI will run those pictures of that large snow fall. I just want to say about my mom, she's a proud Husky. She graduated from the University of Washington in 1937, of course from the class of Shelton High School in 1933. She is the proud member of the Panorama Republicans and is very active in politics at ninety years old. I want to just wish her a great Happy Birthday Mom. It's terrific. She's a wonderful person that has had a wonderful life and has a sharp, sharp memory about all the historical things that's happened, is well read and we're going to have a wonderful party, families traveling from all over to meet over the weekend out at Potlatch. So Happy Birthday Mom."

The Secretary called the roll on the final passage of Senate Bill No. 6059 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Deccio, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Finkbeiner - 1

Excused: Senator Hargrove - 1

SENATE BILL NO. 6059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:48 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, February 2, 2006.

PERSONAL PRIVILEGE

BRAD OWEN, President of the Senate

Senator Jacobsen: "Would Mrs. Sheldon yield to a question? How did you end up with a Democratic son?"

THOMAS HOEMANN, Secretary of the Senate

PERSONAL PRIVILEGE

Senator McCaslin: "I must bring to the body's attention that Senator Deccio and Lucille will be celebrating their sixtieth. I know he looks ninety but the sixtieth wedding anniversary and if you haven't met Lucille, she's the charming one of the group. She's the most wonderful lady. How she put up with him for sixty years heaven only knows. Anyway, I do congratulate Senator Deccio and Lucille on their sixtieth wedding anniversary."

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